



House of Representatives

General Assembly

File No. 637

January Session, 2017

House Bill No. 7250

House of Representatives, April 18, 2017

The Committee on Judiciary reported through REP. TONG of the 147th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING DESECRATION OF AN ABANDONED CEMETERY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-218 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2017*):

3 (a) A person is guilty of interference with a cemetery or burial
4 ground when [he, without authorization of the owner of the burial lot,
5 or a lineal descendant of the deceased, or of the municipality, cemetery
6 association or person or authority responsible for the control or
7 management of the cemetery or burial ground] such person: (1)
8 Intentionally destroys, mutilates, defaces, injures or removes any
9 tomb, monument, gravestone or other structure placed or designed for
10 a memorial of the dead, or any portion or fragment [thereof] of such
11 tomb, monument, gravestone or other structure, or any fence, railing,
12 curb or other enclosure for the burial of the dead, in or from any
13 cemetery or burial ground that is (A) an abandoned cemetery, as
14 defined in section 19a-308a, or (B) a cemetery or burial ground other

15 than an abandoned cemetery and such person takes any such action
16 without authorization of the owner of the burial lot, or a lineal
17 descendant of the deceased, or of the municipality, cemetery
18 association or person or authority responsible for the control or
19 management of the cemetery or burial ground; or (2) wantonly or
20 maliciously disturbs the contents of any tomb or grave in any cemetery
21 or burial ground that is (A) an abandoned cemetery, as defined in
22 section 19a-308a, or (B) a cemetery or burial ground other than an
23 abandoned cemetery and such person takes any such action without
24 authorization of the owner of the burial lot, or a lineal descendant of
25 the deceased, or of the municipality, cemetery association or person or
26 authority responsible for the control or management of the cemetery or
27 burial ground.

28 (b) Interference with a cemetery or burial ground is a class C felony
29 and any person found guilty under this section shall be fined not less
30 than five hundred dollars.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2017	53a-218

JUD *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 18 \$	FY 19 \$
Resources of the General Fund	GF - Potential Revenue Gain	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill expands the crime of interference with a cemetery or burial ground and results in potential revenue from additional fines. However any additional revenue is anticipated to be minimal. In FY 16 there was one offense under the current statute and the charges were nolle and no fines collected.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations.

OLR Bill Analysis**HB07250*****AN ACT CONCERNING DESECRATION OF AN ABANDONED CEMETERY.*****SUMMARY**

This bill expands the crime of interference with a cemetery or burial ground to include desecrating an abandoned cemetery (see BACKGROUND). It applies to abandoned cemeteries the same actions that constitute interference with a cemetery or burial ground under existing law. These actions are the following:

1. intentionally destroying, mutilating, defacing, injuring, or removing all or part of a tomb, monument, gravestone, or other structure placed or designed for a memorial, or any burial fence, railing, curb, or other enclosure, or
2. wantonly or maliciously disturbing the contents of any tomb or grave.

Under current law, the crime does not apply to actions that are authorized by the (1) owner of the burial lot; (2) deceased's lineal descendants; or (3) municipality, cemetery association, or person or authority responsible for the control or management of the cemetery or burial ground. However, the bill does not grant any exceptions for actions taken with respect to abandoned cemeteries.

Under existing law, interference with a cemetery or burial ground is a Class C felony, which is punishable by up to 10 years in prison, a fine of up to \$10,000, or both. The law specifies that a person who commits this crime must be fined at least \$500.

EFFECTIVE DATE: October 1, 2017

BACKGROUND***Abandoned Cemetery***

By law, an abandoned cemetery is one that meets the following criteria:

1. no burial has occurred during the previous 40 years and in which the lots or graves have not been maintained during the last 10 years except for maintenance by the municipality in which it is located,
2. no lots have been sold in the last 40 years and in which most lots or graves have not been maintained during the last 10 years except for maintenance by the municipality, or
3. one burial has occurred in the past 40 years when a permit was issued after the burial.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 39 Nay 0 (03/29/2017)